



PATENT

Attorney Docket No. 3077.1A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: GOLDBERG, et al.

Examiner: TBA

Serial No: 10/044,428

Group Art Unit: TBA

Filing Date: October 26, 2001

Title: METHOD OF MANUFACTURING

BIOLOGICAL CHIPS (as amended)

BOX MISSING PARTS

Washington, D.C. 20231

**TRANSMITTAL FOR RESPONSE TO NOTICE TO FILE  
MISSING PARTS OF NON-PROVISIONAL APPLICATION**

Dear Sir:

In response to the "Notice to File Missing Parts of Application – Filing Date Granted" mailed by the United States Patent and Trademark Office on March 25, 2002, the following documents are enclosed to complete the filing of the above-identified patent application:

1. Fee Transmittal (1 page);
2. Power of Attorney or Authorization of Agent Not Accompanying Application (1 page);
3. Statement Under 37 CFR 3.73(b), (1 page);
4. Copy of Joint Declaration for Patent Application (originally filed with parent), (2 pages);
5. Submission of Substitute Formal Drawings (1 page);
6. Five (5) sheets of Substitute Formal Drawings, Figs. 1, 2a, 2b, 3, and 4;
7. Response to Notice to Comply with 37 CFR 1.821-1.825 (1 page);
8. Copy of Notice to File Missing Parts of NonProvisional Application, (2 pages).

The United States Patent and Trademark Office is hereby authorized to charge the following fees to Deposit Account No. 19-2386;

Surcharge for filing declaration on a date later than the filing date of application \$130.00.

**TOTAL FEE**

**\$130.00**

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account 01-0431.

It is hereby respectfully submitted that the enclosed documents complete the filing of the above patent application and justify the filing date of October 26, 2001. Please telephone the undersigned at (408) 731-5000, if there are any questions. This form is being submitted in duplicate.

I hereby certify that this correspondence is being deposited by Express Mail to: Commissioner For Patents, Washington, D.C. 20231 On <u>5/16/02</u> Express Mail No.: <u>EL 675 608 141 US</u>  AFFYMETRIX, INC. By: <u>[Signature]</u>
--

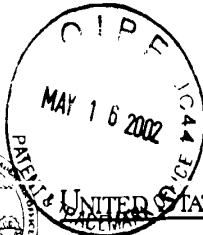
Respectfully submitted,

[Signature]

Man Sung Co

Reg. No. 42,423

Legal Department  
Affymetrix, Inc.  
3380 Central Expressway  
Santa Clara, CA 95051  
Tel: 4008/731-5000  
Fax: 408/731-5392



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/044,428	10/26/2001	Goldberg	3077.1A

22886  
AFFYMETRIX, INC  
ATTN: CHIEF IP COUNSEL, LEGAL DEPT.  
3380 CENTRAL EXPRESSWAY  
SANTA CLARA, CA 95051

CONFIRMATION NO. 1948

FORMALITIES LETTER



CC00000007709052\*

Date Mailed: 03/25/2002

due 5/25/02

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also

provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

---

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



PATENT

Attorney Docket No. 3077.1A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Goldberg

Examiner: Unknown

Serial No: 10/044,428

Group Art Unit: 1656

Filing Date: October 26, 2001

Title: Method of Manufacturing

RESPONSE TO NOTICE TO COMPLY WITH 37 C.F.R. 1.821-1.825

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Notice to Comply with Requirements for Patent Applications containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed March 25, 2002. Applicant hereby state that the current application does not contain unbranched sequences of ten or more nucleotides. Therefore, no "Sequence Listing" is required for this application.

Respectfully submitted,

Date: 5/13/02

Man Sung Co/  
Reg. No. 42,423

Legal Department  
Affymetrix, Inc.  
3380 Central Expressway  
Santa Clara, CA 95051  
Tel: 408/731-5000  
Fax: 408/731-5392



Attorney Docket No. 3077.1A

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

GOLDBERG, et al.

Application No.: 10/044,428

Filed: October 26, 2001

For: METHOD OF MANUFACTURING  
BIOLOGICAL CHIPS (as amended)

Examiner: TBA

Art Unit: TBA

Box Missing Parts  
Commissioner of Patents  
Washington, D.C. 20231

**SUBMISSION OF SUBSTITUTE FORMAL DRAWINGS**

Dear Sir:

Applicant submits five (5) sheets of formal drawings, consisting of Figures 1, 2a, 2b, 3, and 4, in the above-named application. If there are any questions regarding these drawings, please call the undersigned at (408) 731-5000.

The Commissioner is hereby authorized to charge any additional fees, which may be required, or credit any overpayment to Deposit Account No. 01-0431.

Please telephone the undersigned at (408) 731-5000, if there are any questions. This form is being submitted in duplicate.

I hereby certify that this correspondence is being deposited by	
Express Mail to: Commissioner For Patents, Washington, D.C.	
20231	
On	<u>May 16, 2002</u>
Express Mail No.	<u>EL 675 508 141 US</u>
AFFYMETRIX, INC.	
By	<u>[Signature]</u>

Respectfully submitted,

[Signature]  
Man Sung Co  
Reg. No. 42,423

Legal Department  
Affymetrix, Inc.  
3380 Central Expressway  
Santa Clara, CA 95051  
Tel: 408 731-5000  
Fax: 408 731-5392



# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 130

Complete if Known

Application Number 10/044 428  
Filing Date 10/26/01  
First Named Inventor Martin J. Goldberg  
Examiner Name TBA  
Group / Art Unit TBA  
Attorney Docket No 3077 1A

METHOD OF PAYMENT (check all that apply)				FEE CALCULATION (continued)																																																																																																																																																																																
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account				<b>3. ADDITIONAL FEES</b>																																																																																																																																																																																
Deposit Account Number: 01-0431 Deposit Account Name: AFFYMETRIX, INC.				<table border="1"> <thead> <tr> <th>Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td>130.00</td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>147</td><td>2 520</td><td>147</td><td>2 520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1 840*</td><td>113</td><td>1 840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>400</td><td>216</td><td>200</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>920</td><td>217</td><td>460</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1 440</td><td>218</td><td>720</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1 960</td><td>228</td><td>980</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>320</td><td>219</td><td>160</td><td>Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>320</td><td>220</td><td>160</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>280</td><td>221</td><td>140</td><td>Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1 510</td><td>238</td><td>1 510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>141</td><td>1 280</td><td>241</td><td>640</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>142</td><td>1 280</td><td>242</td><td>640</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>143</td><td>460</td><td>243</td><td>230</td><td>Design issue fee</td><td></td></tr> <tr><td>144</td><td>620</td><td>244</td><td>310</td><td>Plant issue fee</td><td></td></tr> <tr><td>122</td><td>130</td><td>222</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>123</td><td>50</td><td>223</td><td>50</td><td>Processing fee under 37 CFR 1.17 (q)</td><td></td></tr> <tr><td>126</td><td>180</td><td>226</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>581</td><td>40</td><td>581</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>146</td><td>740</td><td>246</td><td>370</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr> <tr><td>149</td><td>740</td><td>249</td><td>370</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr> <tr><td>179</td><td>740</td><td>279</td><td>370</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>169</td><td>900</td><td>169</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr> </tbody> </table>				Fee Code	Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid	105	130	205	65	Surcharge - late filing fee or oath	130.00	127	50	227	25	Surcharge - late provisional filing fee or cover sheet		139	130	139	130	Non-English specification		147	2 520	147	2 520	For filing a request for reexamination		112	920*	112	920*	Requesting publication of SIR prior to Examiner action		113	1 840*	113	1 840*	Requesting publication of SIR after Examiner action		115	110	215	55	Extension for reply within first month		116	400	216	200	Extension for reply within second month		117	920	217	460	Extension for reply within third month		118	1 440	218	720	Extension for reply within fourth month		128	1 960	228	980	Extension for reply within fifth month		119	320	219	160	Notice of Appeal		120	320	220	160	Filing a brief in support of an appeal		121	280	221	140	Request for oral hearing		138	1 510	238	1 510	Petition to institute a public use proceeding		140	110	240	55	Petition to revive - unavoidable		141	1 280	241	640	Petition to revive - unintentional		142	1 280	242	640	Utility issue fee (or reissue)		143	460	243	230	Design issue fee		144	620	244	310	Plant issue fee		122	130	222	130	Petitions to the Commissioner		123	50	223	50	Processing fee under 37 CFR 1.17 (q)		126	180	226	180	Submission of Information Disclosure Stmt		581	40	581	40	Recording each patent assignment per property (times number of properties)		146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))		149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))		179	740	279	370	Request for Continued Examination (RCE)		169	900	169	900	Request for expedited examination of a design application	
Fee Code	Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																																
105	130	205	65	Surcharge - late filing fee or oath	130.00																																																																																																																																																																															
127	50	227	25	Surcharge - late provisional filing fee or cover sheet																																																																																																																																																																																
139	130	139	130	Non-English specification																																																																																																																																																																																
147	2 520	147	2 520	For filing a request for reexamination																																																																																																																																																																																
112	920*	112	920*	Requesting publication of SIR prior to Examiner action																																																																																																																																																																																
113	1 840*	113	1 840*	Requesting publication of SIR after Examiner action																																																																																																																																																																																
115	110	215	55	Extension for reply within first month																																																																																																																																																																																
116	400	216	200	Extension for reply within second month																																																																																																																																																																																
117	920	217	460	Extension for reply within third month																																																																																																																																																																																
118	1 440	218	720	Extension for reply within fourth month																																																																																																																																																																																
128	1 960	228	980	Extension for reply within fifth month																																																																																																																																																																																
119	320	219	160	Notice of Appeal																																																																																																																																																																																
120	320	220	160	Filing a brief in support of an appeal																																																																																																																																																																																
121	280	221	140	Request for oral hearing																																																																																																																																																																																
138	1 510	238	1 510	Petition to institute a public use proceeding																																																																																																																																																																																
140	110	240	55	Petition to revive - unavoidable																																																																																																																																																																																
141	1 280	241	640	Petition to revive - unintentional																																																																																																																																																																																
142	1 280	242	640	Utility issue fee (or reissue)																																																																																																																																																																																
143	460	243	230	Design issue fee																																																																																																																																																																																
144	620	244	310	Plant issue fee																																																																																																																																																																																
122	130	222	130	Petitions to the Commissioner																																																																																																																																																																																
123	50	223	50	Processing fee under 37 CFR 1.17 (q)																																																																																																																																																																																
126	180	226	180	Submission of Information Disclosure Stmt																																																																																																																																																																																
581	40	581	40	Recording each patent assignment per property (times number of properties)																																																																																																																																																																																
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))																																																																																																																																																																																
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))																																																																																																																																																																																
179	740	279	370	Request for Continued Examination (RCE)																																																																																																																																																																																
169	900	169	900	Request for expedited examination of a design application																																																																																																																																																																																
<b>1. BASIC FILING FEE</b> <table border="1"> <thead> <tr> <th>Large Entity Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee Code</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>101</td><td>740</td><td>201</td><td>370</td><td>Utility filing fee</td><td></td></tr> <tr><td>106</td><td>330</td><td>206</td><td>165</td><td>Design filing fee</td><td></td></tr> <tr><td>107</td><td>510</td><td>207</td><td>255</td><td>Plant filing fee</td><td></td></tr> <tr><td>108</td><td>740</td><td>208</td><td>370</td><td>Reissue filing fee</td><td></td></tr> <tr><td>114</td><td>160</td><td>214</td><td>80</td><td>Provisional filing fee</td><td></td></tr> </tbody> </table>				Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid	101	740	201	370	Utility filing fee		106	330	206	165	Design filing fee		107	510	207	255	Plant filing fee		108	740	208	370	Reissue filing fee		114	160	214	80	Provisional filing fee		<b>2. EXTRA CLAIM FEES</b> <table border="1"> <thead> <tr> <th>Total Claims</th> <th>Independent Claims</th> <th>Multiple Dependent</th> <th>Extra Claims</th> <th>Fee from below</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>-20**</td><td></td><td></td><td>0</td><td></td><td>0</td></tr> <tr><td>-3**</td><td></td><td></td><td>0</td><td></td><td>0</td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td>0</td></tr> </tbody> </table>				Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid	-20**			0		0	-3**			0		0						0																																																																																																																	
Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																															
101	740	201	370	Utility filing fee																																																																																																																																																																																
106	330	206	165	Design filing fee																																																																																																																																																																																
107	510	207	255	Plant filing fee																																																																																																																																																																																
108	740	208	370	Reissue filing fee																																																																																																																																																																																
114	160	214	80	Provisional filing fee																																																																																																																																																																																
Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid																																																																																																																																																																															
-20**			0		0																																																																																																																																																																															
-3**			0		0																																																																																																																																																																															
					0																																																																																																																																																																															
<b>SUBTOTAL (1)</b> (\$) 0				<b>SUBTOTAL (2)</b> (\$) 0																																																																																																																																																																																
<b>SUBTOTAL (3)</b> (\$) 130				Other fee (specify) 0																																																																																																																																																																																

SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Man Sung Co	Registration No. Attorney/Agent	42 423
Signature	<i>[Signature]</i>	Telephone	(408) 731-5000
		Date	5/13/02

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.